

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Rules - The Andhra Pradesh Teachers (Regulation of Transfers) Rules, 2013 – Notified Orders – Issued

EDUCATION (SE-SER.III) DEPARTMENT

G.O.Ms.No. 33

Dated: 02.05.2013

Read:

From the Commissioner & Director of School Education, AP, Hyderabad Lr.Rc.No.1485/D3-1/2013, Dt: 23.04.2013.

ORDER:

In order to facilitate and regulate the transfers of Headmasters Grade II Gazetted and teachers working in Government / ZPP / MPP schools in Andhra Pradesh School Education Service and Andhra Pradesh School Education Subordinate Service, Government have decided to issue rules relating to transfers.

Further, Under Right to Education (RTE) Act 2009, every child in age group of 6 to 14 years will have to be provided upto 8 years of Elementary Education on admission to an age appropriate class in the vicinity of his / her neighborhood. Accordingly, there is a need to rationalize the staff in schools and posts in Primary and Upper Primary as there are some schools with over strength of students vis-à-vis the sanctioned teaching posts and on the other hand some schools with uneconomic strength of students with more teachers, and there is need to regulate the staffing pattern by way of transfers.

Accordingly, the following Notification shall be published in the Andhra Pradesh Gazette:

In exercise of the powers conferred by Section 78 and 99 of A.P. Education Act 1982 (Act 1 of 1982) and under Article 309 of the Constitution of India and in supercession of all the earlier Rules and guidelines on transfer of teachers, the Government of Andhra Pradesh hereby makes the following Rules regulating the transfers of the categories of Headmasters Gr.II Gazetted, School Assistants and S.G.T.s and their equivalent categories in the A.P. School Education Service and A.P. School Education Subordinate Service working in the Government Schools and Z.P.P. and MPP Schools in the State.

RULES

- 1 Short Title and Applicability:** 1) These rules may be called the Andhra Pradesh Teachers (Regulation of Transfers) Rules, 2013.
- 2) These rules shall be applicable to Headmaster Gr.-II Gazetted in Andhra Pradesh School Education Service and School Assistants / SGTs and other equivalent categories in Andhra Pradesh School Education Subordinate Service, herein after referred to as Teacher in these Rules.
- 3) These rules shall come into force with immediate effect.
- 2 Transfer counseling:** All transfers shall be made by way of counseling through Transfer Committees constituted for each district / zone.
- 3 Schedule of transfers** The Commissioner and Director of School Education shall draw schedule and communicate the same to the competent authorities for effecting transfers from time to time.
- 4 Competent authority for issue of transfer and posting orders:** The appointing authority concerned shall issue transfer and posting orders based on the recommendation of the committee constituted for the purpose
- 5 Criteria for Transfers:** 1) The following categories of Headmaster Gr.II Gazetted / Teacher in the Government / ZPP /MPP shall be transferred.
- (a) Those who have completed 8 years service in a particular school as on **1st July** of the year shall be compulsorily transferred.
- Provided those who are going to retire within two years from 1st July of the year shall not be shifted until and unless the incumbent requests for such transfer.
- (b) The male Headmaster Grade-II/Teacher aged below 50 years as on **1st July** of the year and working in Girls High School.

(c) The Headmaster Grade-II and the concerned subject Teacher of the school in which the pass percentage in the S.S.C. Public Exam (March) is less than 10% shall be transferred to the schools located in category IV habitations

2) If no women HMs / Teachers are available to work in Girls High Schools, then male HMs / Teachers who are over and above 50 years of age may be considered for posting to such schools.

3) Headmaster Gr.II Gazetted / Teacher who has completed a minimum period of two years service in a School as on **1st July** of the year shall be eligible to apply for transfer.

4) The teachers shifted under Rationalization i.e., Primary Schools and Upper Primary Schools (SGT Category) shall also participate in the Transfers Counseling.

5). The Headmasters Gr.II Gazetted /Teacher who have completed 8 years service as NCC officer should be posted in a vacancy in a school where there is NCC unit, if there is no vacancy, they may be posted in a school where there is no NCC Unit, so that the NCC teacher can open a new NCC unit in the school.

6). All transfers shall be effected from within the Present Management, Agency Area to Agency Area, Plain Area to Plain Area.

6 Entitlement points

I. Common Points:

Entitlement of points shall be awarded to the Headmaster Gr.II Gazetted / Teacher who applies for transfer in the following manner:

a) For service in the present school, basing on its location, as per the following scale, as on **1st July** of the year:-

i) Service in category IV areas: Five (5) points per every year of service.

ii) Service in Category III areas: Three (3) points per every year of service.

- iii) Service in the Category II areas: Two (2) points per every year of service.
- iv) Service in the Category I areas: One (1) point per every year of service.

Note 1:- The Habitations / Towns shall be classified into the following categories namely:-

- i) Category – I: All Habitations / Towns where 20% and above HRA is admissible.
- ii) Category -II: All Habitations / Towns where 14.5% HRA is admissible.
- iii) Category -III: All Habitations / Towns where 12 % HRA is admissible.
- iv) Category-IV: All Habitations where 12% HRA is admissible, and which do not have connectivity through an all weather road as per the norms of Panchayati Raj (Engineering) Department.

Note 2: The District Collector shall publish the list of habitations in the district which do not have connectivity through an all weather road as per the norms of Panchayati Raj (Engineering) Department in consultation with the Superintendent Engineer, P.R. of the district for this purpose, and the same shall be final.

- (b) For the Service rendered: 0.5 point for every year of completed service in the total service in all categories as on **1st July** of the year.

II. Special Points (Extra Points):

- (a) The President and General Secretary of the recognized teachers' Unions at the State and District Levels are eligible for ten (10) points.
- (b) Ten (10) points for un-married Headmistress Gr II / female Teacher.
- (c) Ten (10) points for Headmaster Gr.II Gazetted / Teacher, whose spouse is working in State Government or Central Government or Public Sector undertaking or Local Body or Aided Institution in the same District and opted for

transfer nearer to and towards the place of working of his/her spouse, Benefit of spouse points shall be applicable to one of the spouses once in 8 years, and an entry shall be made in this regard in SR. A copy of certificate issued by the competent authority shall be enclosed to the check list to consider cases under this category.

- (d) Ten (10) points to the Headmaster Gr.II Gazetted / Teacher who is working as NCC officer.

III. Rationalization Points:

For the teachers who are affected by rationalization process they are eligible for 10 points extra over and above already secured. The teachers who have completed 8 years service are not eligible for 10 points extra over and above already secured.

IV. In case the entitlement points two or more applicants are equal, the inter-se seniority shall be determined as below.

- i) Applicants having disability of more than 40% but less than 70% (Ortho-handicap. / Visually challenged/ Hearing Impaired) shall take priority.
- ii) Subject to the above, the seniority in the cadre shall be taken into account.

7 Performance Related Extra Entitlement Points

- a) The teachers who have got National or State award issued by the Central / State Government will get 15 and 10 points respectively any one of the above awards.
- b) The Teachers who have enrolled 100% children in the school and who have taken steps to reduce the drop out rate / out of school children, and also who are regular to school, sincere in discharging duties are eligible for ten (10) points. Provided they should enclose a certificate issued by the State Project Director, RVM (SSA), Director, RMSA, Hyderabad.

Minus Points:

If the State Project Director, RVM (SSA), Director, RMSA, Hyderabad are noticed the performance of the teacher i.e. irregular attendance/ Unauthorized absence, not completing syllabus 10 points shall be deducted out of total allotted marks.

8. Preferential categories

The following categories shall take precedence in the seniority list, in the order given below, irrespective of their entitlement points.

- (a) Physically handicapped i.e., those with not less than 70% ortho-handicap./ Visually challenged/ Hearing Impaired
- (b) Widows.
- (c) Legally separated women.
- (d) Headmaster Gr.II Gazetted / Teacher who is suffering with the following diseases, in which he/she is undergoing treatment:
 - I. Cancer.
 - II. Open Heart Surgery.
 - III. Neuro-Surgery.
 - IV. Bone T.B.
 - V. Kidney Transplantation.
- (e) Applicants with dependant children who are mentally retarded and are undergoing treatment.
- (f) Children suffering with holes in the heart by birth and undergoing medical treatment available only at specified places to which they are seeking transfers.
- (g) Applicants with dependant children suffering from Juvenile Diabetes.

Note 1: For the purpose of (a, d, e & f) above, a copy of the certificate issued by a competent authority i.e., District Medical Board / State Medical Board should be enclosed to the

application for consideration of preferential categories. However the candidates selected under PH quota and recorded in SR need not furnish any fresh certificate.

Note 2: The Head Master Gr.II Gazetted / Teachers should avail either the preferential category (Rule 8) **or** the special points (Rule 6 (II (d & e))) once in 8 years, and an entry be made in SR.

Note 3: The teachers who have availed the preferential category or spouse category in the earlier transfer counselling and now shifted under Rationalization without completion of 8 years of service shall be given the respective benefits / entitlement points along with the Rationalization points.

9 Notification of vacancies:

1) The following vacancies shall be notified for the purpose of counseling.

a) All the exiting clear vacancies except the leave vacancies.

b) All the vacancies arising due to compulsory transfers as per 5 Rule 5.

c) Resultant vacancies arising during Counseling.

2) The competent authorities shall notify the vacancies with the approval of District Collector (District Cadres) or Commissioner and Director of School Education (Zonal Cadre), as the case may be after duly affecting rationalization by taking into consideration of teacher pupil ratio as notified by Government vide G.O.M.S. No. 55 dt. 23.04.2011 as amended for time to time.

10 Publication of vacancies and seniority list

1) The following lists shall be published in the website specified for the purpose and also displayed at the O/o Regional Joint Director of School Education and District Educational Officer concerned:

i) The lists of category wise schools (category I, II, III and IV),

ii) The School wise vacancy position of Headmaster Gr.II Gazetted / School Assistant / Secondary Grade Teacher and equivalent categories for counseling.

iii) Subject to the procedure prescribed in clause (2) below, the list of names of the Headmaster Gr.II Gazetted / Teacher who applied for transfer with entitlement points.

2) After the last date for applying for transfers as per schedule, the seniority list shall be prepared, using software for generating the entitlement points, management wise, category wise, subject wise, medium wise and the seniority list with entitlement points shall be published in the website specified for the purpose and also on the notice board of District Educational Officer / Regional Joint Director of School Education.

11 Online Application

1) The Headmaster Gr.II Gazetted / Teacher who is eligible as per the criteria prescribed in Rule 5 may apply online through website specified for the purpose in the prescribed proforma and the particulars furnished in the proforma shall be final and no modification shall be allowed.

2) The applicants shall thereafter obtain the printout of the application from the specified website and submit the same duly signed to their respective authorities, *viz.*, Mandal Educational Officer/Headmaster High School/Deputy Educational Officer, as the case may be.

3) An applicant seeking to apply under Preferential categories / spouse category shall also submit along with application the latest certificate from the competent authority in that regard.

4) If any Headmaster Gr.II Gazetted / Teacher who is compulsorily transferable under Rule 5 does not apply online or having applied does not attend the counselling (physical or online), he/she will be transferred to the available left over needy vacancies.

12 Receipt and disposal of objections

1) Objections if any in respect of the seniority list and entitlement points published as per Rule 10(2) may be filed online or in writing before the District

Educational Officer / Regional Joint Director of School Education, as the case may be, by any applicant together with evidence in support of such objection within the time specified for this purpose in the schedule.

2) The District Educational Officer / Regional Joint Director of School Education, as the case may be, shall cause verification of all objections and pass orders disposing of the same. In cases where objections are upheld, the District Educational Officer/ Regional Joint Director of School Education shall cause the necessary corrections in the seniority list and publish the same on the website.

**13 Committees
for
conducting
counseling and
transfers**

The following committees are constituted for the purpose of conducting counseling and transfers.

(I) For Transfer of Head Master Gr. II Gazetted in Government High Schools

(a) Senior Officer of the Department nominated by the Director of School Education, not below the rank of a Joint Director.

(b) The Regional Joint Director of School Education concerned or his nominee as the Member Secretary.

(c) The District Educational Officer concerned as a Member.

Note:

i) The senior most officer shall be the Chairman of the Committee.

ii) The Committee shall be the competent authority for transfer of all Headmaster Gr.II Gazetted in the Government High Schools in the respective Zone. The transfer shall be effected within the Zone by way of counselling.

iii) The Regional Joint Director of School Education concerned shall be the competent authority to issue posting and transfer orders of the Headmasters Gr.II Gazetted working in Government High Schools, after the approval by the Committee.

(II) For Transfer of Head Master Gr. II Gazetted in Zilla Parishad High Schools

- (a) Chairman, Zilla Parishad /Special Officer-Chairman
- (b) Collector/ Joint Collector – Member
- (c) RJDSE or his nominee -- Member Secretary
- (d) Chief Executive Officer- Z.P. – Member

Note:

- i) The Committee shall be the competent authority for transfer of all Headmaster Gr.II Gazetted in the ZP High Schools in the District.
- ii) The Regional Joint Director of School Education concerned shall be the competent authority to issue transfer orders of the Headmasters Gr.II Gazetted working in ZP High Schools, after the approval by the Committee.

(III) For Transfer of Teachers in Government High Schools

- (a) Collector / Joint Collector -- Chairman
- (b) Chief Executive Officer Z. P. - - Member
- (c) District Educational Officer – Member Secretary

(IV) For Transfer of Teachers in Zilla Parishad / MPP Schools

- (a) Chairman, ZP /Special Officer – Chairman
- (b) Collector / Joint Collector -- Member
- (c) Chief Executive Officer Z. P. - - Member
- (d) District Educational Officer – Member Secretary

Note: The District Educational Officer concerned shall be competent authority to issue transfer orders to all the teachers working in the Government Schools and ZPP / MPP Schools after the approval by the Committee.

14 Issue of transfer Orders:

- 1) Based on the recommendations of the respective committees, the appointing authorities concerned shall issue posting orders to all the HMs /

Teachers of one category in one proceedings only, duly enclosing the names of the teachers transferred and places of postings on transfer in one annexure. No individual transfer orders shall be issued.

- 2) The teacher / HM who are to be compulsorily transferred and who do not attend for counselling, shall be given posting orders in absentia to the left over needy vacancies at the end of the counselling of that particular category of teachers, in the presence of Committee and in the counselling hall without fail.
- 3) Headmaster Gr.II Gazetted / Teacher shall not be posted in the Schools located in the same Gram Panchayat, If they completed 8 years of service.
- 4) Once transfer orders are issued by the competent authority with the approval of the committee, review or modification of orders shall not be considered, either by the committee or by the competent authority.
- 5) In all the orders of the transfer the condition is to be included that the orders shall be subject to outcome of SLP in Supreme Court of India and other pending cases.
- 6) The transfers effected shall be displayed on website and also at the office of Regional Joint Director of School Education, District Educational Officer and ZP after completion of counseling.

**15 Date of relief
and
Joining:**

- 1) The Headmaster Gr.II Gazetted / Teacher who are on transfer shall be relieved from the present place of working on receipt of the transfer orders and he / she shall join in the new school where they are posted on the next day of the counseling.

Provided the Teachers (including subject teachers) who are transferred under Transfer Counseling shall be relieved subject to the condition that there shall be 50% of regular teachers (fraction shall be treated as One) working in the school and also only the senior most Teachers (including subject teachers) shall be relieved.

Examples:

- i. If only one Teacher (including subject teachers) is working in the School and got transfer he / she shall not be relieved without substitute.
- ii. If two Teachers (including subject teachers) are working in the School and got transfer, the junior in the school shall not be relieved without substitute.
- iii. If three Teachers (including subject teachers) are working in the School and got transfer, the two juniors in the school shall not be relieved without substitute.
- iv. If four Teachers (including subject teachers) are working in the school and got transfer, the two juniors in the school shall not be relieved without substitute.
- v. Likewise, if eleven Teachers (including subject teachers) are working in the school and got transfer, the six juniors in the school shall not be relieved without substitute.

2) A Headmaster Gr.II Gazetted / Teacher who dose not so join cannot claim compulsory wait under any circumstances for any reason.

16 Appeal:

1) An appeal against the orders of the District Educational Officer shall lie with the Regional Joint Director of School Education concerned, and an appeal against the orders of the Regional Joint Director of School Education shall lie with the Commissioner and Director of School Education Such appeal should be submitted within 10 days.

2) All such appeals shall be disposed off by the Appellate authorities concerned within 30 days from the date of receipt of the appeal.

3) The teachers have any grievance on the transfer counseling should avail all levels of appeal provisions before going for other legal remedies.

17 Revision:

1) The Commissioner and Director of School Education may either suo-moto or on an application received from any person aggrieved by the orders of the Transfer Committee may call for and examine the records in respect of any

proceedings of transfer to satisfy himself about its regularity, legality or propriety. If, in any case, it appears to him that any such proceedings should be revised, modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly or remand the case with any direction so as to rectify any violation of rules or discrepancy. Such orders shall be implemented by the authority concerned.

2) The Commissioner & Director of School Education may stay the implementation of any such proceedings, pending exercise of its powers under sub-rule (1) above.

**18 Punishment
for
furnishing
false
information /
violation of
rules:**

1) Anybody who has submitted false information and certificates, and the officers, who have countersigned such false information, shall be liable for disciplinary action in addition to prosecution, as per rules.

2) The Member-Secretary who has issued orders in violation of these rules or instructions issued by Director of School Education from time to time in the matter shall be liable for disciplinary action as per rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT(SE)

To

The Director, Printing, Stationary & Stores Purchases, AP, Hyderabad
(for Publication in the AP Gazettee and for supply of 1500 copies)

The Commissioner & Director of School Education, AP, Hyderabad

All Regional Joint Directors of School Education

All the District Collectors

All the District Educational Officers.

Copy to:

The General Administration (Ser) Department / Finance Department /
MA & UD Department / PR & RD Department / Social Welfare
Department.

The Commissioner, Panchayat Raj / Commissioner & Director,
Municipal Administration / Commissioner, Social Welfare / Tribal
Welfare, Hyderabad.

All Sections in School Education Department

All Recognized Teachers Associations in the State, through the Director of School Education, Hyderabad.

The Special Secretary to Chief Minister

The OSD to Minister for (SE)/(PE).

PS to Principal Secretary (SE)/(PE).

//FORWARDED :: BY ORDER//

SECTION OFFICER